

(B) strategies to overcome gaps in surveillance and data collection activities related to food allergies and specific food allergens; and

(C) recommendations for the development and implementation of a regulatory process and framework that would allow for the timely, transparent, and evidence-based modification of the definition of "major food allergen" included in section 201(qq) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(qq)), including with respect to—

(i) the scientific criteria for defining a food or food ingredient as a "major food allergen" pursuant to such process, including recommendations pertaining to evidence of the prevalence and severity of allergic reactions to a food or food ingredient that would be required in order to establish that such food or food ingredient is an allergen of public health concern appropriate for such process; and

(ii) opportunities for stakeholder engagement and comment, as appropriate, in considering any such modification to such definition.

(b) PUBLICATION.—The Secretary shall make the report under subsection (a) available on the internet website of the Department of Health and Human Services.

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Illinois.

##### CORONAVIRUS

Mr. DURBIN. Mr. President, March 23—March 23 has been a long time from this date, and a lot of things have happened in America since March 23. Over 200,000 American lives have been lost. Millions of Americans have been infected with the COVID virus. Our families have changed. Our lives have changed. We have tried to adjust to the worst pandemic America has seen.

We know that we have fallen short many times in providing the resources that were needed in a timely way. I can remember in the early stages of this pandemic when in my State of Illinois there were desperate phone calls from the Governor asking if I could find some way to help, in Washington or any other place, to provide protective equipment for the people in the healthcare field.

We know as well that many people have seen businesses close in their communities. In my hometown of Springfield, IL, our favorite restaurant is clinging to its business life, and we are finding excuses to order food out as often as possible to keep them open. Others haven't been so lucky. Their businesses are closed, and their jobs have disappeared.

Millions of Americans are drawing unemployment. Many are waiting in long lines for food. Desperate decisions are being made because people are in desperate circumstances.

A lot has happened since March 23. The reason I mention that date is that was the day we passed the CARES Act. It was a momentous, historic effort—\$3 trillion to try to rescue this economy, to help the American people through this crisis, to provide resources that were needed—and it was overwhelmingly bipartisan. It passed the Senate by 96 to 0.

Since then, many things have happened. We have also learned that the CARES Act was not enough. We thought this crisis would end long ago, and it didn't. Perhaps now with vaccines coming online, we will see some dramatic changes in the few months ahead, but what are we going to do in the meantime? Are we going to continue to help those drawing unemployment? Are we going to continue to help the businesses that are struggling to survive and to help their employees make it through another week or another month? Are we going to do what is necessary to help State and local governments that have seen losses in their revenues in historic terms? Are we going to take care to provide the logistical support for the actual vaccinations that are necessary across America? That question is unanswered because we have done nothing—virtually nothing—since March 23.

A group of Senators several weeks ago met for a socially distanced, safe dinner at one of the homes of my colleagues and talked about another approach—a new approach, a bipartisan approach—to try to deal with COVID relief. If the leaders were unable to act, perhaps we could start the conversation.

I signed up for that effort with a number of Republican Senators and Democratic Senators, and we set out to write a COVID relief bill—with our staff's help, of course. I didn't realize what I was getting into in terms of time commitment. We have spent literally hour after hour after hour, day after day after day—multiple times in a day sometimes—dealing with the difficult issues of what America needs now in emergency relief because of this COVID-19 crisis.

We have come to a general conclusion on all but one issue as to what we would propose, and we believe it should be done quickly. You see, on December 26, 12 million Americans will lose their unemployment insurance. Businesses struggling now will close between now and then if we don't do something.

Unfortunately, the speech given by the Republican leader on the floor this morning suggests that whatever we came up with and proposed is not going to be taken seriously. That is unfortunate. I think there is real wisdom, bipartisan compromise in our proposal.

It is within the power of the Republican leader to call this matter to the floor, and that is all we ask. Make it subject to amendments, if you wish, but let's get this debate underway. This silent, empty Chamber is no answer to the cries of American people who are desperate for help in the midst of this pandemic. Political posturing and press releases from one side or the other won't put food on the table, won't give a father peace of mind, won't give a mother the help she needs with childcare, won't give a student the broadband service they need to continue their education.

There is an issue that still is unresolved, and it is the issue of liability.

We don't know what to do with that, but we ought to look at the evidence. So far in this calendar year, with 15 million people infected with COVID-19, fewer than 3 lawsuits per State—3 per State—have been filed in medical malpractice or consumer personal injury claims. There are a lot of other lawsuits between businesses and with insurance companies—by prisoners in jail saying that their confinement is dangerous to their health, people filing lawsuits against Governors for issuing orders to stay at home and close down businesses—but when it comes to the personal injury claims, there are very few. Very few.

We know why—those of us who have been involved in the practice of law. One of the things that you have to prove to recover in a case is causation. That is rare in a case dealing with coronavirus, to be able to pinpoint exactly when you became infected and what the circumstances are. That is why so few lawsuits have been filed.

The Senator from Kentucky is insisting that there be immunity to liability as part of any agreement. It is a thorny topic, a difficult topic, a controversial topic, but I plead with him to hold to another day the overall issue of liability. Accept this emergency bill that we have put together as a bipartisan group of Senators to address this issue in the reality of the world we live in. To hold it back because of some other major issue that has not been resolved is unfair to American families and workers and students and health workers. We owe it to them to do everything in our power to help them now.

How can we in good conscience go home for Christmas knowing that the day after Christmas, 12 million Americans will see their unemployment insurance disappear because of our inability to act? What kind of spirit is that of any holiday season? I think we need to be mindful of the fact that there are a lot of helpless people counting on us to do something.

I hope we realize that this bipartisan effort put together by a group of Senators, which I have been honored to be part of, is a good-faith effort to answer the basic questions of what is needed now in America and what is needed on an emergency basis. It is a good bill—far from perfect. It deserves a vote on the floor of the U.S. Senate.

If Senator McCONNELL has another proposal that he wants to put on the floor as well, he certainly has that right as the majority leader, but to close the door on this bipartisan effort is to reject a good-faith undertaking by Senators from both sides of the aisle, Democrats and Republicans.

I plead with the majority leader, let's not claim some political victory when this is all over at the expense of a lot of helpless people across America who are battling this pandemic.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HAWLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF SEAN J. COOKSEY

Mr. HAWLEY. Mr. President, in a few moments, we are going to be voting on a series of nominations to the Federal Election Commission, one of which is of personal interest to me. It is the nomination of Sean Cooksey to be a Commissioner of that body.

I know Sean personally because I have had the great privilege of working with Sean for the last 2 years while he has served as the general counsel in my office. Sean is a native Missourian. He comes from the eastern part of the State, just north of St. Louis. He is a proud graduate of Truman State University in the State of Missouri. He comes from a working family there in the State, and his family still lives there.

Sean has rendered exceptional service to me this last year and a half. In fact, when I came to the Senate not even 2 years ago, I have to say Sean had more experience than I did, having served in this body for several years before in the office—on the staff of Senator TED CRUZ of Texas.

Sean has done absolutely outstanding work in the last year and a half in my office helping us pass important legislation, including my first bill signed into law in the Senate, the Supporting and Treating Officers in Crisis Act. This is a law that will direct new funding to police officers and other law enforcement all across the State of Missouri and across the Nation to get the help and support they need when they are exposed to violence, when they are exposed to situations that require followup help, counseling. It gets them the resources especially in small and local police departments in rural areas, like those across my State. Sean was instrumental in drafting this legislation and in getting it passed. It was a proud day almost a year and a half ago when President Trump signed that bill into law.

This is just one example of the outstanding service Sean has rendered not just to my office but to the people of Missouri and not just to the people of Missouri but to the people of the United States. That is why, while I am sorry to see Sean go on a personal level, I am absolutely delighted for the country because my loss is going to be the gain of the United States of America.

I want to congratulate Sean on this nomination and what I think will soon be his confirmation in just a few moment's time.

I want to congratulate his family. I know this is a very proud day for them. I believe Sean will be the youngest member of the Federal Election Commission, maybe in the history of this body. I can't think of anyone more de-

serving. I know that he will render distinguished service to the country in this capacity.

I yield the floor.

#### VOTE ON DICKERSON NOMINATION

The PRESIDING OFFICER (Mr. SASSE). Under the previous order, the question is, Will the Senate advise and consent to the Dickerson nomination?

Mr. HAWLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

#### [Rollcall Vote No. 258 Ex.]

##### YEAS—49

Alexander	Ernst	Portman
Barrasso	Fischer	Risch
Blackburn	Gardner	Roberts
Blunt	Graham	Romney
Boozman	Grassley	Rubio
Braun	Hawley	Sasse
Burr	Hoever	Scott (FL)
Capito	Hyde-Smith	Scott (SC)
Cassidy	Inhofe	Shelby
Collins	Johnson	Sullivan
Cornyn	Kennedy	Thune
Cotton	Lankford	Tillis
Cramer	Lee	Toomey
Crapo	McConnell	Wicker
Cruz	Moran	Young
Daines	Murkowski	
Enzi	Paul	

##### NAYS—47

Baldwin	Heinrich	Rosen
Bennet	Hirono	Sanders
Blumenthal	Jones	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Hassan	Reed	

##### NOT VOTING—4

Harris	Perdue
Loeffler	Rounds

The nomination was confirmed.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Shana M. Broussard, of Louisiana, to be a Member of the Federal Election Commission for a term expiring April 30, 2023.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Broussard nomination?

Mr. LEE. I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mrs. LOEFFLER), the Senator from Georgia (Mr. PERDUE), and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 4, as follows:

#### [Rollcall Vote No. 259 Ex.]

##### YEAS—92

Alexander	Fischer	Portman
Baldwin	Gardner	Reed
Barrasso	Gillibrand	Risch
Bennet	Graham	Roberts
Blackburn	Grassley	Romney
Blumenthal	Hassan	Rosen
Blunt	Heinrich	Rubio
Booker	Hirono	Sanders
Boozman	Hoever	Sasse
Braun	Hyde-Smith	Schatz
Brown	Inhofe	Schumer
Burr	Johnson	Scott (SC)
Cantwell	Jones	Shaheen
Capito	Kaine	Shelby
Cardin	Kelly	Sinema
Carper	Kennedy	Smith
Casey	King	Stabenow
Cassidy	Klobuchar	Sullivan
Collins	Lankford	Tester
Coons	Leahy	Thune
Cornyn	Lee	Tillis
Cortez Masto	Manchin	Toomey
Cotton	Markey	Udall
Cramer	McConnell	Van Hollen
Crapo	Menendez	Warner
Daines	Merkley	Warren
Duckworth	Moran	Whitehouse
Durbin	Murkowski	Wicker
Enzi	Murphy	Wyden
Ernst	Murray	Young
Feinstein	Peters	

##### NAYS—4

Cruz	Paul
Hawley	Scott (FL)

##### NOT VOTING—4

Harris	Perdue
Loeffler	Rounds

The nomination was confirmed.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Sean J. Cooksey, of Missouri, to be a Member of the Federal Election Commission for a term expiring April 30, 2021.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Cooksey nomination?

Mr. HAWLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.